

REMARKS

Applicant has amended claims 1 and 11, which find support, for example, at page 12, lines 13-27, of the specification. Claim 4, which was only objected to, has been amended to appear in independent form.

Applicant thanks the Examiner for explaining his views in detail in the Advisory Action mailed February 23, 2006.

Claims 1, 2, 11 and 12 have been rejected under 35 USC 103(a) as unpatentable over U.S. Patent No. 6,181,435 (Onodera) in view of U.S. Patent No. 5,901,278 (Kurihara). Applicant respectfully traverses this rejection.

In the image processing apparatus of claim 1, after the compressed image data corresponding to a page of the document is stored in the storage medium, the controller determines whether the storage medium can store further image data corresponding to a page of the document given for the next image processing. When the storage medium cannot store further, the controller changes the processing applied by the image data processor and the compression rate applied by the compressor to the processed image data so that image data corresponding to all pages of the document can be stored in that storage medium.

In the Action mailed November 29, 2005, the Examiner admitted that Onodera fails to disclose the claimed controller performing the claimed adjustment. However, the Examiner contended that Kurihara teaches the claimed adjustment at column 9, lines 53-65, and in FIG. 5. In the Response filed February 8, 2006, applicant explained that in the claimed device the processing and the compression rate applied are changed so that image data corresponding to all pages of the document can be stored in the storage medium. Thus, once the claimed adjustment is made, all pages of the document are scanned and the image data of all pages is stored in the storage medium in the next document scanning.

In the Advisory Action, the Examiner contends that the passage of Kurihara at column 9, lines 41-52 discloses the claimed image processing apparatus. Applicant respectfully disagrees. The quoted passage of Kurihara does not teach or suggest that the compression rate be changed so as to store the image data corresponding to all pages of the document in the memory at once, as claimed.

So that the Examiner may understand the claimed invention more directly, applicant has amended claim 1 to state that the processing applied by the image data processor and the compression rate applied by the compressor to the processed image data are changed based on the number of the pages of the document. The article “the” is used in the amended claim, because the number of the pages of the document is definite once a document for the image processing is chosen. No part of Kurihara teaches or suggests that Kurihara’s compression rate be changed based on the number of the pages of Kurihara’s document as claimed.

Claim 11 recites the adjustment of claim 1 in a method claim format. The rejection of claims 1, 2, 11 and 12 under 35 USC 103(a) over Onodera and Kikuchi should be withdrawn because Onodera and Kikuchi together do not teach or suggest the claimed invention as a whole.

The remaining rejections rely on Onodera and Kimura and thus should be withdrawn as well because Onodera and Kimura do not provide the teachings for which they are cited.

In light of the above, a Notice of Allowance is solicited.


In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions

for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952, referencing Docket No. 325772023100.

Respectfully submitted,

Dated: March 24, 2006

By:


Barry E. Bretschneider
Registration No. 28,055

31,942

Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 300
McLean, Virginia 22102
Telephone: (703) 760-7743
Facsimile: (703) 760-7777